

SENATE BILL REPORT

SB 5329

As of January 29, 2009

Title: An act relating to providing assistance to spay and neuter certain animals.

Brief Description: Creating the companion animal spay/neuter assistance program.

Sponsors: Senators Pridemore, Delvin, Kohl-Welles, Shin, Murray, Hatfield, Kline, Fairley, McDermott and Haugen.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/27/09.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Staff: Bob Lee (786-7404)

Background: A mechanism to expand the availability and use of spay and neuter services for dogs and cats is being sought to assist low-income owners of companion animals to reduce the oversupply of animals available for adoption from animal control agencies and animal shelters.

Summary of Bill: The companion animal spay and neuter assistance program is established to provide for the spaying and neutering of dogs and cats owned by low-income people. Additionally, the program will fund the spay or neutering of feral and free-roaming cats who do not have owners. The program is to be administered by the Department of Agriculture (department).

To qualify as low income, the person needs to be a resident of Washington State and meet one of the following criteria:

- have a household adjusted income that is less than 80 percent of the median family income in the county;
- participate in the Washington Basic Food Program administered by the Department of Social and Health Services (DSHS);
- participate in the Basic Health Program administered by the Health Care Authority;
- participate in the Medical Assistance Program administered by DSHS that falls within 250 percent of the federal poverty level;
- participate in federal Supplemental Security Income Program; or

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- participate in any other public assistance program that the director determines is sufficient to qualify a person as a low-income individual.

Qualified owners of companion animals will be required to pay not more than \$20 per dog and \$10 per cat of the cost of spaying or neutering surgery. The remaining qualifying costs are paid by the program. For feral and free-roaming cats that do not have owners that are brought in, the program will pay all of the qualifying costs of the procedure.

Private veterinarians, animal care and control agencies, and nonprofit organizations whose services include performing spay and neuter surgeries on companion animals are eligible to participate in the program. Spay and neuter services must only be performed by veterinarians licensed by the state. The entities that are interested in participating in the program must submit an application to the department that includes a schedule of fees charged for companion animal sterilization in its normal course of business. Applicants may list separate fees for surgical sterilization of female cats, male cats, female dogs within various weight ranges, male dogs within various weight ranges, and for other surgical classifications as the department determines.

The department must reimburse each participating spay and neuter provider based on the provider's normal fee schedule, not to exceed the amount the department determines as the usual, customary, and reasonable. This limit is to be calculated at the eightieth percentile of prevailing fees for similar services charged by peer private veterinary practices in the state. The department may also set rates for compensation for pre-surgical examinations and for administration of vaccinations at levels it determines to be fair and reasonable.

Participating private veterinarians are not required to screen applicants for eligibility, but may do so voluntarily. The department may require animal care and control agencies and nonprofit organizations to screen applicants. Reimbursements to service providers are to be paid on a monthly basis by the department.

To provide funding for the program, each initial distributor or responsible buyer of pet food must pay a companion animal spay/neuter fee on all pet food distributed during the reporting period. The fee is \$57.50 per ton. The fee revenue is to be placed in the companion animal spay/neuter assistance account and may be used only for the program as authorized by this chapter. The account is not subject to appropriation but is subject to allotment procedures by the Office of Financial Management. Specialty pet food and quantities under one ton per reporting period are exempt from the fee.

The department must report on the program's performance. The report must include at least the following: the number of surgeries completed, program revenues and expenditures, the number of dogs and cats received by the animal shelters, the fate of these animals, and any recommendations for further legislative or administrative action. The report is to be submitted to the Governor and to the Legislature, no later than January 31, 2011, and annually thereafter.

To assist in evaluating the impact of the program, animal care and control agencies, humane societies, and other nonprofit organizations that serve as animal shelters for dogs and cats must report annually to the department the following: the number of cats, kittens, dogs, and

puppies received and the fate of these animals. Animal shelters that handle a small number of cats or dogs, as determined by the department, are not required to report. Animal shelters who fail to report may be disqualified from receiving funds under this chapter.

Any person who knowingly falsifies information is guilty of a misdemeanor and may be suspended from participation in the program. This includes information relating to individual and household income, ownership of pets, and prevailing fees and rates for services.

Authority is provided to the department to establish criteria and procedures for administering the program.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: None.

Effective Date: The fee provisions go into effect 90 days after enactment. The assistance program takes effect on January 1, 2010.

Staff Summary of Public Testimony: PRO: Because there is an oversupply of pets being turned into animal shelters for which there are no people willing to adopt, these pets continue to be euthanized. Enacting a program to provide financial assistance to low-income pet owners will help reduce the overall number of pets. Eight states have adopted spay neuter programs. The fee on dog and cat feed amounts to \$1 on a 35-pound sack. This will provide sufficient funds to pay for 70,000 additional spay and neuter procedures to be performed yearly. Non-profit and county animal control agencies current programs do not have sufficient funds to perform all the procedures which are needed. Often the same dog or cat will have multiple litters, many of which will not be adopted. There is also a human toll on those shelter personnel who have to decide which pets will not be adopted and thus will be euthanized. Unneutered pets are more prone to wander, to be aggressive, and to bite.

CON: There is no quarrel with the goal of the bill, but there is opposition to the bill because it taxes responsible pet owners. This is a societal problem and the proposed funding source places a burden on a single class of citizens (not aware of other states that tax pet foods for this purpose).

OTHER: Concern was expressed about the additional fee or tax on dog and cat food as the funding source. Concerns about designating the department as the administrative agency were raised. If established, this would be the second largest program in the department and much of the program administration would be contracted out.

Persons Testifying: PRO: Senator Pridemore, prime sponsor; Andrea Logan, Rick Hall, Save Washington Pets; Holly Bukes, Coalition Humane of Tacoma; Sylvia Moss, PAWS; Lea Lucky, Austin Gates, Ellen J. Dorfman, N.O.A.H. Animal Adoption and Spay/Neuter Center.

CON: Duane Ekedahl, Pet Food Institute; Mark Johnson, Washington Retail Association.

OTHER: Greg Hanon, Washington Veterinary Medical Association; Mary Beth Lang, Department of Agriculture.